

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RADOSLAV DIMITRIC	§	
	§	
VS.	§	CIVIL ACTION NO. G-06-107
	§	
TEXAS A&M UNIVERSITY, ET AL.	§	

OPINION AND ORDER

On July 28, 2006, Plaintiff, Radoslav Dimitric, filed "Plaintiff's First Amended Complaint" without the consent of the Defendants and without prior leave of Court. According to Dimitric, the First Amended Complaint was filed, in part, as his court-ordered Rule 7 Reply and his response to the Defendant's pending Motion to Dismiss; however, the Amended Complaint added two new Defendants. The current Defendants have now filed a Motion to Strike Plaintiff's First Amended Complaint.

Because the First Amended Complaint was filed in violation of Rule 15(a) of the Federal Rules of Civil Procedure, it must be stricken as such.

It is, therefore, **ORDERED** that "Plaintiff's First Amended Complaint" (Instrument no. 28) is **STRICKEN**, only insofar as it constitutes an Amended Complaint, and any claims asserted by Dimitric against the newly named Defendants, Fred Olson and Dr. Karan Watson, are **DISMISSED**.

It is further **ORDERED** that the "Plaintiff's First Amended Complaint" **WILL** be **RE-CHARACTERIZED** as Plaintiff's Rule 7 Reply and his response to the pending Motion to Dismiss.

DONE at Galveston, Texas, this 7th day of August, 2006.



John R. Froeschner
United States Magistrate Judge